THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

W.P. NO. 26121 of 1997

DATED: 21-03-2007

Between:-

B.Venkateswara Rao s/o Brahmanna aged 40 years, Asst. Accountant, A.P.State Seeds Development Corporation Ltd., Vijayawada, Krishna District.

...PETITIONER

And

The Regional Manager, A.P. State Seeds Development Corpon, Regional Office, Vijayawada, Krishna District and three others.

...

RESPONDENTS

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O R D E R

This writ petition is filed seeking a Writ of Mandamus to declare the final seniority list, dated 17.03.1990, issued by the regional office of the A.P. State Seeds Development Corporation, Vijayawada, as illegal and arbitrary and for consequential directions to the respondent No.2 to place the petitioner above the names of his juniors.

The grievance of the petitioner is that though he joined the respondents-corporation as N.M.R on 02-03-1980 after his services were regularized as Junior Assistant, his seniority is reckoned from 01-10-1983 instead of considering his seniority from 02-03-1980. The petitioner's further grievance is that the respondents 3 and 4, who joined the Andhra Pradesh State Seeds Development Corporation as N.M.Rs, later than the petitioner, they are shown higher in the seniority list than the petitioner.

Heard Sri S. Raju, learned counsel appearing for Sri P.V. Krishnaiah for the petitioner and none appeared for the respondents.

In the counter-affidavit filed on behalf of respondents 1 and 2, it is mentioned that the petitioner initially joined as N.M.R. on 20-03-1980 and not on 02-03-1980 and that since he abstained from work from 18-03-1983 to 30-09-1983 and re-joined the duty on 01-10-1983, his seniority was counted from 01-10-1983.

In the counter-affidavit filed by the respondent No.3, he submitted that since the petitioner joined as N.M.R on 20-03-1980 and himself has joined on 18-03-1980, he is senior to the petitioner. The respondent No.3 further pleaded that the writ petition is liable to be dismissed on the ground of laches, as the petitioner filed the present writ petition seven years after the publication of final seniority list. No counter has been filed on behalf of the 4th respondent.

This writ petition is liable to be dismissed without going into the merits of the case on the sole ground that it suffers from laches. In the affidavit filed in support of the writ petition, there is not even an attempt made to explain the huge delay in filing this writ petition. The law is well settled that settled rights cannot be unsettled after a long gap of time. As the seniority list was finalized as far back as 17.03.1990 and in the absence of any explanation whatsoever offered by the petitioner for not approaching this Court at earlier point of time, the petitioner does not deserve any indulgence by this Court.

The writ petition is, therefore, dismissed. No order as to costs.

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C.V. NAGARJUNA REDDY,J

Dated: 21-03-2007
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